

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In re: William Barrier Roberts	)	Case No.: 18-83442-CRJ-7
SSN: xxx-xx-9314	)	
	)	
Debtor.	)	Chapter 7

**MOTION TO COMPEL TURNOVER OF DOCUMENTS AND INFORMATION**

COMES NOW, Tazewell T. Shepard, Trustee in the above-captioned bankruptcy case, and respectfully represents:

**I. Background**

1. On November 16, 2018 (the “Filing Date”), William Barrier Roberts (“Debtor”) filed a petition under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of Alabama, Northern Division (the “Bankruptcy Court”).

2. On June 22, 2020 the case was voluntarily converted to Chapter 7, and Tazewell T. Shepard was appointed by the Bankruptcy Court as the duly qualified and acting Trustee in this case.

3. The Bankruptcy Court pleadings and records indicate that Debtor maintained his debtor-in-possession account at PNC Bank during the pendency of the Chapter 11 case.

4. On July 2, 2020, counsel for Trustee requested in writing that Debtor turnover the following:

- a. Online banking login information so Trustee can access and take control of the PNC debtor-in-possession account.
- b. The remaining balance of funds in the PNC debtor-in-possession account.
- c. Copies of all statements for the debtor-in-possession account at PNC since the Filing Date.

5. Undersigned spoke with counsel for the Debtor by phone on or around July 7, 2020 to follow-up on said request. Counsel for the Debtor assured the undersigned that he would provided the requested documents and information by July 10, 2020.

6. To date, Debtor has failed to fully comply with the Trustee's requests, and has provided only one page of an account statement allegedly showing the debtor-in-possession account had a negative balance on or around May 15, 2020.

7. The Trustee seeks the immediate turnover by the Debtor of the documents, information and balance remaining for the debtor-in-possession account at PNC Bank.

8. Trustee is aware that Debtor is deceased. However, Trustee is informed and believes that Debtor's counsel has possession of and/or access to the documents/information requested. Further, Trustee understands that a probate estate has been opened for the Debtor and the personal representative of the probate estate should have possession of and/or the ability to gain access to the documents and information requested.

## **II. Jurisdiction and Notice**

9. The Trustee brings this motion for turnover against the Debtor (this "Motion") pursuant to §§ 521(4) and 542(a) and (e) of the Bankruptcy Code. This Motion is a contested matter under Bankruptcy Rule 9014.

10. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 in that this proceeding arises and relates to the above-described Chapter 7 bankruptcy case. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(E).

11. Pursuant to Bankruptcy Rule 2002, the Trustee proposes to serve a copy of this Motion upon the Bankruptcy Administrator, the Debtor's attorney, all creditors, and all parties requesting notice.

12. Pursuant to Bankruptcy Rule 2002, the Trustee proposes that the Bankruptcy Court provide no less than 20 days' notice by mail to persons described in the preceding paragraph of the time within which objections to the relief requested in this Motion must be filed and of the hearing on any such objections.

## **III. Relief Requested**

WHEREFORE, the Trustee prays that this Court will enter an Order

A. Directing Debtor to immediately turnover and deliver possession of the above requested documents, information and bank funds to the Trustee, or face sanctions by the Court; and

B. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted, this 13<sup>th</sup> day of July, 2020.

/s/ Kevin M. Morris

Kevin M. Morris

*Attorney to Trustee in Bankruptcy*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all creditors and interested parties listed on the clerk's certified matrix, and upon the below listed parties by electronic service through the Court's CM/ECF system and/or by depositing said copy in the United States Mail in a properly addressed envelope with adequate postage thereon this 13<sup>th</sup> day of July, 2020.

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/s/ Kevin M. Morris

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